

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANDRE CARPENTER,

Petitioner,

Case No. 1:06-CV-500

v.

HON. ROBERT HOLMES BELL

STATE OF MICHIGAN,

Respondent.

_____ /

**ORDER SUMMARILY DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on a Petitioner Michael Andre Carpenter's objections to the Magistrate Judge's August 2, 2006, Report and Recommendation ("R&R") recommending that Petitioner's § 2254 petition for writ of habeas corpus be summarily dismissed.

This Court is required to make a *de novo* review upon the record of those portions of the R&R to which specific objections have been made. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); *see also Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) ("[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious."). Although the

Magistrate Judge's R&R is reviewed *de novo*, this Court must review the state court proceedings consistent with the standards set forth in 28 U.S.C. § 2254.

Plaintiff's two objections to the R&R are essentially a disagreement with the Magistrate Judge's recommendation and a reiteration of his original arguments. Plaintiff has not pointed to any specific error in the Magistrate Judge's analysis. Upon review this Court is satisfied that the Magistrate Judge correctly determined that Plaintiff has failed to show that the Michigan Court of Appeals' determination with respect to his *Batson* issue or his sentencing issue was contrary to, or represented an unreasonable application of U.S. Supreme Court precedent, or that it was based on an unreasonable determination of the facts. *See* 28 U.S.C. § 2254(d).

Upon due consideration of Petitioner's objections,

IT IS HEREBY ORDERED that the August 2, 2006, Report and Recommendation of the Magistrate Judge is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's request for habeas relief is **SUMMARILY DISMISSED** pursuant to Rule 4, RULES GOVERNING § 2254 CASES, because it fails to raise a meritorious constitutional claim.

Date: November 28, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE